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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,591	11/28/2000	Robert P. Macaulay	NORC0008US(13469ROUS01U)	8528
21906	7590	11/20/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			SCHEIBEL, ROBERT C	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/723,591	<b>Applicant(s)</b> MACAULAY ET AL.	
	<b>Examiner</b> Robert C. Scheibel	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16-23, 25-31, 33-35, 37-40 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-23, 25-31, 33-35, 37-40 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- Examiner acknowledges receipt of Applicant's Amendment filed 9/11/2006.
- Claims 1, 12, and 13 are currently amended.
- Claims 1-14, 16-23, 25-31, 33-35, 37-40, 43-48 are currently pending.

### ***Response to Arguments***

1. Applicant's arguments, see pages 10-12, filed 9/11/2006, with respect to the rejection of claims 1 and 3 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

In the first paragraph, Applicant summarizes his arguments with respect to these claims by indicating that, in his opinion, the rejection lacks motivation and fails to teach all elements of the claims. For reasons indicated in more detail below, Examiner respectfully disagrees.

In the next three paragraphs, Applicant summarizes parts of the rejection and the McClung and Bozek references. In the fifth paragraph, Applicant correctly points out a typographical error in which the rejection discussed modifying Bozek with Bozek; this has been corrected below to indicate that Bozek modifies McClung.

In the next paragraph, Applicant indicates that Examiner has failed to explain how the roaming feature of McClung could be modified based on the calling card mechanism of Bozek. Applicant further indicates that this would completely change the principle of operation of McClung and that it is assumed that the roaming mechanism is to be replaced by the calling card method of Bozek. However, Examiner respectfully disagrees. As indicated in the previous action and again recited below, the proposed combination of McClung and Bozek would use the roaming method of McClung for incoming calls, while the method of Bozek would be used to

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handle outgoing calls. This provides the benefit of allowing the user to access speed dialing features for outgoing calls without requiring the mechanism of McClung to be changed for incoming calls. In the next paragraph, Applicant further states that the terminal in Bozek is not a clone. However, McClung disclosed the cloning feature and Bozek is used to modify the clone terminal in McClung.

The paragraphs on page 12 summarize the arguments applying to claim 1 and apply these arguments to claim 3 as well. For the reasons stated above, Examiner respectfully disagrees and therefore maintains the rejection herein.

2. Applicant's arguments, see page 13, filed 9/11/2006, with respect to the rejection of claim 37 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

In the first paragraph on page 13, Applicant argues that the virtual telephony devices of Michalewicz can be inserted between two telephony devices and can act as a bridge device for passing media streams between the two telephony devices. While it may be true that this is a possible use of a virtual telephony device, it is also clear from lines 26-38 of column 6 and from the name itself, that virtual telephony devices are software modules performing the functionality normally performed by physical telephony devices (including terminals). It is also clear from this passage that more than one (a plurality) can be implemented on one network device (any device). Applicant further argues that the virtual telephony devices of Michalewicz are not clones of other terminals. While this may or may not be true, it is not relevant as this functionality has been disclosed by Alexander as indicated earlier in the rejection. Examiner therefore maintains the rejection herein.

3. Applicant's arguments, see pages 14-15, filed 9/11/2006, with respect to the rejection of claim 16 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

In the first paragraph on page 14, Applicant first summarizes the rejection. Applicant then argues that the AAPA fails to disclose associating a first logical port between a TPS and a switch module with both the first and second terminals. Applicant also argues that the AAPA further fails to disclose forwarding the call request through the first logical port. Examiner respectfully disagrees. AAPA is relied upon merely for the means by which the ports are associated. Examiner respectfully disagrees. Alexander clearly discloses associating the first and second terminals in the call manager as stated in the rejection below. AAPA also clearly states that "With the advent of packet-based network telephony (e.g., IP telephony), telephone sets (e.g., network telephones or soft phones) are no longer connected directly to a switch. Instead, the telephone sets are coupled over a LAN, WAN, or Internet to a system running a Terminal Proxy Server (TPS). In most cases, the TPS resides in the same system as the switch (e.g., a PBX). The TPS acts as a proxy server on behalf of the various telephony clients (which are the telephone sets). The TPS reserves a logical port in the switch for the telephony client, and routes call control signaling messages and other traffic between the telephony client and the switch through this logical port." This clearly shows that it is well known in the art to implement a system such as the call manager with a terminal proxy server software and to use logical ports to communicate with a switch module. The call manager performs the exact same functionality as the article in the claim language; there are merely semantic differences in how this functionality is described. The association of the two terminals in the call manager of Alexander

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has the same functionality as the association of the two terminals in the claim language. The fact that the AAPA clearly indicates that the use of such language and implementation is well known in the art makes the claim obvious in view of the prior art of record.

In the second paragraph, Applicant indicates that there is no hint in Alexander of this functionality. Applicant further argues that there is no suggestion in Alexander or AAPA of associating a logical port with both the first and second terminals. As indicated above, Alexander teaches the limitation of associating the first and second terminals and the AAPA discloses that the logical port software construct is merely a well-known way of implementing such a system; given the association of Alexander, it is obvious to implement it using the logical port construct of the AAPA. In the third paragraph, Applicant continues this argument and cites portions of Examiner's response from the last action. Examiner again believes that the combination of Alexander and AAPA discloses all the limitations of claim 16 for reasons stated above.

In the next two paragraphs, Applicant argues that the motivation cited in the previous office action is based upon hindsight reasoning. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The previous office action indicated that the motivation for combining these references is to allow the system to be more easily maintained by mimicking the previous generation of

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equipment. This is clearly an implicit advantage of the logical port construct and provides sufficient motivation to make the minor modification to Alexander required to disclose the limitations of claim 16.

4. Applicant's arguments, see pages 16-17, filed 9/11/2006, with respect to the rejection of claim 23 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

Applicant argues in the first paragraph of this section that the prior art does not teach storing a table associating identifiers of the first and second terminals with a first logical port. However, Alexander does indicate the association between the first and second terminals in a table. As indicated above regarding claim 16, AAPA teaches the use of the logical port in implementing the call manager. It would clearly have been obvious to add the logical port information associating the two terminals to the table that already associates the two terminals in Alexander in the combination of Alexander and AAPA. Applicant continues a similar argument in the following paragraph, asserting that O'Neil does not suggest updating a table to indicate which terminal answered the call request. However, this is obvious; the combination used in the rejection would clearly have updated the table of Alexander. If the teaching of O'Neil were applied such that the indication of which terminal answered the call request were merely generically updated in "memory", as Applicant appears to suggest, this indication would not be useful. Only when associated with the same information used in processing the call requests in Alexander (i.e. the table) will this information be useful.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on

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obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

5. Further, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later



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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims **1-6, 8-13, 43, and 45-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek et al.

Regarding claim **1**, McClung discloses a method of controlling communications in a network, comprising: receiving a request to clone a first terminal with a second terminal (defining a roaming line in lines 7-15 of column 9; the roaming line in the clone; see lines 41-47 of column 6 for more explanation of the roaming line); in response to the request to clone, associating a logical identifier of the first terminal with the second terminal (lines 9-12 of column 9); receiving a call request specifying the logical identifier of the first terminal (the call initiation request in lines 26-30 of column 9); in response to the call request, sending an alert indication to the second terminal (see lines 43-45 of column 9).

McClung does not disclose expressly receiving a second indication and in response to the second indication accessing profile information.

Bozek discloses receiving a second indication (step 201 of figure 2) from the second terminal (in this combination, the remote user to whom calls are forwarded to initiates an outbound call using the method of Bozek) for initiating a call session with a third terminal (terminal associated with speed dial number in figure 2); in response to the second indication accessing profile information (the calling card database corresponding to the home telephone number of the calling card; see lines 49-55 and element 205 of figure 2) associated with the first

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terminal (the home telephone number of the calling card in this case is the first terminal) to process the second indication for establishing the call session between the second terminal and the third terminal (this profile is used to obtain information on the speed dial entry in order to establish the session with the third terminal).

McClung and Bozek are analogous art because they are from the same field of endeavor of telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify McClung so the remote terminal to whom calls are forwarded uses the calling card procedure of Bozek for outgoing calls. The motivation for doing so would have been to allow the remote user to use speed dialing features as if he were on his home network as suggested by McClung in lines 15-22 of column 1. Therefore, it would have been obvious to combine Bozek with McClung for the benefit of providing speed dialing to remote users to obtain the invention as specified in claim 1.

Regarding claim 3, McClung discloses a method of controlling communications in a network, comprising: receiving a request to clone a first terminal with a second terminal (defining a roaming line in lines 7-15 of column 9; the roaming line in the clone; see lines 41-47 of column 6 for more explanation of the roaming line); in response to the request to clone, associating a logical identifier of the first terminal with the second terminal (lines 9-12 of column 9); wherein associating the logical identifier comprises storing a table associating the logical identifier with identifiers of the first and second terminals (the mapping table of figure 3).

McClung does not disclose expressly receiving a call request and in response to the call request accessing profile information.

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Bozek discloses receiving a call request (step 201 of figure 2) from the second terminal (in this combination, the remote user to whom calls are forwarded to initiates an outbound call using the method of Bozek) to initiate a call session with a third terminal (terminal associated with speed dial number in figure 2); in response to the call request, accessing profile information (the calling card database corresponding to the home telephone number of the calling card; see lines 49-55 and element 205 of figure 2) of the first terminal (the home telephone number of the calling card in this case is the first terminal) to establish the call session between the second terminal and the third terminal (this profile is used to obtain information on the speed dial entry in order to establish the session with the third terminal).

McClung and Bozek are analogous art because they are from the same field of endeavor of telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify McClung so the remote terminal to whom calls are forwarded uses the calling card procedure of Bozek for outgoing calls. The motivation for doing so would have been to allow the remote user to use speed dialing features as if he were on his home network as suggested by McClung in lines 15-22 of column 1. Therefore, it would have been obvious to combine Bozek with McClung for the benefit of providing speed dialing to remote users to obtain the invention as specified in claim 3.

Regarding claim 2, McClung discloses the limitation that associating the logical identifier of the first terminal with the second terminal comprises associating a directory number of the first terminal with the second terminal (the mapping table of figure 3 maps the directory number

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of the first terminal with the second terminal; lines 32-37 of column 6 explain how this can be more than a 4-digit number).

Regarding claim 4, McClung discloses the limitation that storing the table comprises storing a table associating the logical identifier with Internet Protocol addresses of the first and second terminals (see figure 3).

Regarding claim 5, McClung discloses the limitation of receiving at least another request to clone the first terminal with at least another terminal in lines 42-47 of column 6 which indicates that one or more telephony devices can be cloned (or designated as roaming lines).

Regarding claim 6, McClung discloses the limitation that receiving the request comprises receiving a request at a terminal proxy server in that the call manager 26 is the terminal proxy server.

Regarding claims 8 and 9, McClung discloses the limitation that the request to clone comprises a request to override the first terminal with the second terminal and that the alert is not sent to the overridden terminal in lines 44-45 of column 6 which indicate that the roaming line can be used *instead of* the user's regularly scheduled telephony device.

Regarding claims 10 and 11, McClung discloses the limitation that the request to clone comprises a request to replicate the first terminal with the second terminal and that another alert is sent to the first terminal in lines 44-45 of column 6 which indicate that the roaming line can be used *in addition to* the user's regularly scheduled telephony device. See also lines 43-45 of column 9.

Regarding claim 12, McClung discloses the limitation of receiving an answer indication from one of the first and second terminals in response to the alerts is disclosed in the off-hook indications discussed in lines 52-60 of column 9.

Regarding claim 13, McClung discloses the limitation of establishing a call session between another terminal that sent the call request and one of the first terminal and second terminal in lines 60-63 of column 9.

Regarding claim 43, McClung discloses the limitation that storing the table associating the first logical identifier with identifiers of the first and second terminals comprises storing the table associating the first logical identifier with both the identifier of the first terminal and the identifier of the second terminal in the mapping table of figure 3; see the row for device 1002 for example.

Regarding claim 45, the combination of McClung and Bozek above discloses the limitation that accessing the profile information comprises accessing speed dial information of the first terminal to establish the call session between the second and third terminals (see elements 205 and 207 of Figure 2 of Bozek, for example).

Regarding claim 46, McClung discloses the limitation of receiving a call request from a fourth terminal throughout. It is clear that there is no requirement for a single originating telephony device, so the call request can clearly come from a third or fourth terminal.

Regarding claim 47 the combination of McClung and Bozek above discloses the limitation that accessing the profile information comprises accessing speed dial information of the first terminal to establish the call session between the second and third terminals (see elements 205 and 207 of Figure 2 of Bozek, for example).

Regarding claim 48, McClung discloses the limitation of receiving a second call request from a fourth terminal specifying the logical identifier of the first terminal throughout; it is clear that there is no requirement for a single originating telephony device, so the call request can clearly come from a third or fourth terminal. Further, McClung discloses the limitation of sending an alert indication to the second terminal in response to the second call request in lines 43-45 of column 9.

9. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of U.S. Patent 6,961,346 to Michalewicz et al.

Regarding claim 37, Alexander discloses the control unit in the IP telephony devices 24 or 42 of Figure 1. The passage from lines 1-8 of column 4 discloses client modules (telephony software) executable on the control unit. The passage in lines 55-65 of column 12 discloses the limitation of sending a request to a server (call manager 26a or 26b of figure 1) to select a terminal to clone, wherein the soft clients become clones of respective terminals. The updating of the alternate number list anticipates the limitation of requesting a server to clone; as disclosed throughout, devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) and are thus clones of each other – see lines 3-4 of column 8 for example.

Alexander does not disclose expressly the limitation that there are a plurality of soft client modules on the IP telephony devices. Michalewicz discloses the limitation of a plurality of soft client modules on one device in lines 33-37 of column 6. Alexander and Michalewicz are analogous art because they are from the same field of endeavor of IP telephony. At the time of

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the invention it would have been obvious to a person of ordinary skill in the art to modify Alexander to implement a plurality of soft clients on the IP telephony devices as suggested by Michalewicz. The motivation for doing so would have been to reduce costs by making more efficient use of hardware. Clearly, implementing multiple clients with the same hardware is less expensive than requiring N sets of the hardware for N clients. Therefore, it would have been obvious to combine Michalewicz with Alexander for the benefit of cost reduction to obtain the invention as specified in claim 37.

Regarding claim 38, the limitation that the soft client module is adapted to receive an alert indication from the server corresponding to a call request received by the server for the terminal the soft client module is cloning (disclosed throughout where the simultaneous ringing of the target device and alternate devices with a zero ring delay time is described – lines 3-4 of column 8 for example).

Regarding claims 39 and 40, the LAN and WAN clouds of Figure 1 clearly comprise routers which route packets to and from the soft client modules, thus selecting one of the soft client modules for communicating packets in a call session. The limitation of claim 40 that an additional code in each packet is used to select one of the soft client modules is well known in the art through the use of port numbers to identify the application to which a particular IP packet is destined; official notice is taken.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek et al and in further view of Applicant's Admitted Prior Art (AAPA).

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The above cited combination of McClung and Bozek discloses all the limitations of parent claim 6 as discussed in the rejection under 35 U.S.C. 102(e) above.

McClung does not disclose expressly of the terminal proxy server communicating with the switch module via logical ports and associating a logical port with the first and second terminals.

AAPA clearly discloses that it is well known to implement the call processing necessary to connect devices in IP telephony using the use of logical ports between a TPS and a switch in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, since Alexander already disclosed associating the two terminals, the logical port discussed in AAPA would be used as the means of indicating this association. This would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The motivation for doing so would have been to implement the call manager in a manner which more closely mirrors the circuit switched implementation. This type of implementation is easier to conceptualize for those familiar with previous generation equipment and thus easier to maintain. Therefore, it would have been obvious to combine AAPA with Alexander for the benefit of making the system easier to conceptualize to obtain the invention as specified in claim 7.



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11. Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,775,369 to McClung in view of U.S. Patent 6,178,238 to Bozek et al and in further view of U.S. Patent 6,798,767 to Alexander et al.

The combination of McClung and Bozek discloses all the limitations of parent claim **10** as discussed in the rejection under 35 U.S.C. 102(e) above.

McClung does not disclose expressly of multicasting the alert to the first and second terminals. Alexander discloses this limitation throughout, see lines 17-24 of column 2, for example; since the devices are rung simultaneously, the alerts are essentially multicast to these devices. McClung and Alexander are analogous art because they are from the same field of endeavor of telephony using data networks. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify McClung to simultaneously ring multiple devices simultaneously. The motivation for doing so would have been to allow subscribers to be more accessible. Therefore, it would have been obvious to combine Alexander with McClung for the benefit of greater subscriber accessibility to obtain the invention as specified in claim 14.

12. Claims **16-22 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art (AAPA).

Regarding claim **16**, Alexander discloses the limitation of receiving a request to establish a first terminal as a clone of a second terminal (devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) as described throughout – see lines 3-4 of column 8 for example; lines 1-8 of column 4 clearly

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establish computer 24 as an IP telephony device; lines 55-65 clearly indicate that at least an IP telephony device which is a computer (like element 24 of figure 1) can access and modify the alternate number list, this modification anticipating the request to clone the terminals).

Alexander also discloses creating an association between the two terminals in response to the request in the updated alternate number list. The limitation of receiving at the switch module a call request specifying the second terminal as the target is disclosed in element 202 of Figure 5A. The limitation of routing the call request to the first terminal is disclosed in element 222 of Figure 5A, for example.

Alexander does not disclose expressly the limitation that the association created in response to the request is a logical port between the TPS and the switch module. Similarly, Alexander does not disclose the limitation of forwarding the call request through the first logical port.

AAPA clearly discloses that it is well known to implement the call processing necessary to connect devices in IP telephony using the use of logical ports between a TPS and a switch in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, since Alexander already disclosed associating the two terminals, the logical port discussed in AAPA would be used as the means of indicating this association. This would result in associating the first and second terminals with a logical port and then forwarding the call

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control messages using this logical port. The motivation for doing so would have been to implement the call manager in a manner which more closely mirrors the circuit switched implementation. This type of implementation is easier to conceptualize for those familiar with previous generation equipment and thus easier to maintain. Therefore, it would have been obvious to combine AAPA with Alexander for the benefit of making the system easier to conceptualize to obtain the invention as specified in claim 16.

Regarding claim 17, Alexander discloses the limitation of disabling the second terminal in lines 55-65 of column 12; the terminal can be disabled by modifying the alternate number list to remove the terminal from the list.

Regarding claim 18, Alexander discloses the limitation of setting the first terminal as a replicate of the second terminal in the description above where both terminals are alerted.

Regarding claim 19, Alexander discloses the limitation of routing the call request to the second terminal in the case where both terminals are alerted (zero ring delay).

Regarding claim 20, Alexander discloses the limitation of receiving an indication from one of the terminals that the call request has been answered in lines 59-61 of column 11.

Regarding claim 21, Alexander discloses the limitation of establishing a call session between the terminal that transmitted the request and the first of second terminal in lines 35-36 of column 12.

Regarding claim 22, Alexander discloses the limitation that the call request is received over a packet-based network in the LANs 20a and 20b of Figure 1.

Regarding claim 44, the limitation that forwarding the call request over the first logical port is performed instead of forwarding the call request over a second logical port from the

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switch module to the telephony proxy server, the second logical port previously associated with the first terminal prior to the request to establish the first terminal as a clone of the second terminal is clearly disclosed by the combination of Alexander and AAPA discussed above. As established above, the combination associates the two terminals with the first logical port and thus the call request will be forwarded over this logical port when received.

13. Claims **23, 25-31 and 33-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art (AAPA) and in further view of U.S. Patent 6,263,064 to O'Neal et al.

Regarding claim **23**, Alexander discloses the limitation of an interface coupled to at least a first and a second terminal in the LAN 20a which is coupled to terminals (IP telephony devices 22-24 of Figure 1). There are clearly many other examples of this interface throughout Alexander as well. Alexander discloses the limitation of the control module in the call manager (26a or 26b of Figure 1). Alexander also discloses the limitation that this control module, in response to a request from a first terminal, defines the first terminal as a clone of a second terminal (devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) as described throughout – see lines 3-4 of column 8 for example; lines 1-8 of column 4 clearly establish computer 24 as an IP telephony device; lines 55-65 clearly indicate that at least an IP telephony device which is a computer (like element 24 of figure 1) can access and modify the alternate number list, which is the clone request). Alexander discloses storing an association between the first and second terminals in the alternate number table of Figure 3. Alexander discloses the limitation receiving a call request

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containing a first logical identifier associated with the first and second terminals in element 202 of Figure 5A. The limitation of alerting both terminals in response to the request is disclosed in elements 208 and 222 of Figure 5A.

Alexander does not disclose expressly the limitation that the association created in response to the request is a logical port between the TPS and the switch module. Similarly, Alexander does not disclose expressly the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded.

AAPA clearly discloses that it is well known to implement the call processing necessary to connect devices in IP telephony using the use of logical ports between a TPS and a switch in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, since Alexander already disclosed associating the two terminals, the logical port discussed in AAPA would be used as the means of indicating this association. This would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The motivation for doing so would have been to implement the call manager in a manner which more closely mirrors the circuit switched implementation. This type of implementation is easier to conceptualize for those familiar with previous generation equipment and thus easier to maintain. Therefore, it would have been

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obvious to combine AAPA with Alexander for the benefit of making the system easier to conceptualize to obtain the invention as specified in claim 23.

The combination of Alexander and AAPA does not disclose expressly the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded.

O'Neal discloses the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded in lines 54-57 of column 12. Alexander, as modified, and O'Neal are analogous art because they are from the same field of endeavor of telephony using a data network. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Alexander to update the alternate number table to select the last terminal to answer as the first terminal to be alerted in response to the next call request. The motivation for doing so would have been to more intelligently route the call based on information regarding the called parties location. Therefore, it would have been obvious to combine O'Neal with Alexander, modified, for the benefit of more intelligent routing to obtain the invention as specified in claim 23.

Regarding claim 25, Alexander discloses the limitation that the first logical identifier is a directory number in step 202 of Figure 5A – see lines 33-42 of column 10 as well.

Regarding claim 26, the combination of Alexander and AAPA discussed above clearly also comprises a switch module (the switch to which the logical ports are used to communicate call signaling messages.)

Regarding claim 27, the combination of Alexander and AAPA discussed above clearly also discloses receiving at the control module a request from the first terminal and the switch

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module treating the request as a request from the second terminal since the two terminals are associated with the same logical port number.

Regarding claims **28 and 29**, the combination of Alexander and AAPA discussed above clearly also discloses the limitation of the control module selecting among a plurality of logical ports; the switch module would not be of much use if only one logical port was supported and the control module must clearly select the appropriate logical port on which to send the control messages for a particular session. Since the first two terminals are associated with the same logical port, it is clear that a request for the first terminal will use a logical port that is also used for the second terminal.

Regarding claim **30**, the combination of Alexander and AAPA discussed above clearly also discloses the limitation that the control module comprises a terminal proxy server (see lines 20-22 of page 2 of the present application.)

Regarding claim **31**, Alexander discloses the limitation of the storage unit containing information associating a directory number with the first and second terminals in Figure 3. This table associates the directory number of the target number with the target device and the alternate device(s).

Regarding claim **33**, Alexander discloses the limitation that the first terminal is set as a replicate of the second terminal in the alternate devices with zero ring delay which will cause these devices to be rung simultaneously with the target device.

Regarding claim **34**, Alexander discloses the limitation of the interface comprising an interface to an IP network in the LANs 20a and 20b of Figure 1.

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Regarding claim 35, Alexander discloses the limitation that the first terminal is a wireless terminal in phone 67 of Figure 1.

### *Conclusion*

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 7:00-5:30 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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